

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JANUARY 31, 2005

D045530 BBIC, PTE Ltd. et al. v. Superior Court of San Diego County/Buckley et al.

The petition is denied.

D044638 People v. Woronets

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Haller, J.

D045533 In re Stephen on Habeas Corpus

The petition is denied.

D044256 People v. Marshall

The appeal is dismissed. Aaron, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D044631 In re F.S. et al., Juveniles

The May 4, 2004 and May 10, 2004 orders are reversed and the matters are remanded with directions that the juvenile court order the Agency to comply with the notice requirements of ICWA, if, after receiving proper notice, neither the BIA nor any tribe intervenes, the court shall reinstate the May 4 and May 10, 2004 orders. The juvenile court is also directed to enter interim visitation orders governing visits between Mother and E. and C. pending resolution of the ICWA issue. Huffman, Acting P.J.;

We Concur: McDonald, J., Aaron, J.

D044538 In re Nicholas K. et al., Juveniles

The judgments are affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D045118 In re Green on Habeas Corpus

The petition is denied.

D045532 In re Allen on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 1, 2005

D043851 Webb-Bell et al. v. Cox Business Services L.L.C.

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.

D043915 People v. Bullocks

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

D043567 People v. Moss

D044691 In re Moss on Habeas Corpus

The pending petition for writ of habeas corpus, In re Melvin Moss, D044691, and the pending appeal, People v. Melvin Moss, D043567, are consolidated for consideration and disposition.

D043567 People v. Moss

D044691 In re Moss on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D045534 In re Taylor on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 2, 2005

D043620 Erickson et al. v. R.E.M. Concepts, Inc.

The motion to dismiss the appeal is denied. The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D043070 People v. Guerrero

The judgment is reversed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D043775 Webb & Carey A.P.C. v. Keenan et al.

The order is reversed and the matter is remanded to the trial court with directions to enter a new order denying the motion for a preliminary injunction. The Keenans shall recover their costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D043110 People v. Delrosario

The petition for rehearing is denied. Justices McConnell and McDonald concur in the denial; Justice Benke would grant.

D045385 P.R. v. Superior Court of Imperial County/Imperial County Department of Social Services

The petition is denied. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D043053 People v. Love

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D043394 People v. Emick

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D042461 People v. Palacios

We remanded for resentencing as follows: the carjacking convictions must be stricken; the punishment for the kidnapping for robbery or the kidnapping for carjacking of Grant Carr must be stayed pursuant to section 654; the section 12022.53, subdivision (d) firearm discharge enhancements for the kidnapping for carjacking and the kidnapping for robbery of Jones must be stayed pursuant to section 654; the court must determine the principal count among the determinate sentences. In all other respects, we affirm the judgment. CERTIFIED FOR PUBLICATION. McConnell, P.J.; I Concur: Huffman, J.; I Concur and Dissent: McDonald, J. (opinion)

D043528 Shrestha v. NRT Inc., et al.

The request for publication is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 2, 2005 (Continued)

D044989 K. O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ issue directing the respondent juvenile court to (1) vacate its August 30, 2004 orders terminating reunification services for K.O. and setting the matter for section 366.26 permanency planning hearings, and (2) issue a new order directing HHSA to provide six more months of services to K.O. The stay issued by this court on January 3, 2005 is lifted. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3)). Irion, J.; I Concur: Haller, Acting P.J.;
Dissenting opinion: Aaron, J.

D045799 Harrison v. Superior Court of San Diego County/People

The petition is denied.

D044368 SupraLife International v. Whiting et al.

The order is affirmed. SupraLife is entitled to costs on appeal. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 3, 2005

D044192 People v. Morris

The March 29, 2004 order is reversed with directions to the trial court to set a jury trial under section 2972.1, subdivisions (d) and (e) within 60 days of the date on which the remittitur of this opinion issues, to determine whether Morris requires further treatment. The stay issued on April 27, 2004 will be vacated when the opinion is final as to this court. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D044100 People v. Drummond

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D045353 People v. Superior Court of San Diego County/Blithe

The petition is denied.

D043271 Orlando Reynoso v. Newman

The opinion filed on January 10, 2005, is ordered certified for publication.

D045485 In re Curtis on Habeas Corpus

The petition is denied.

D044203 People v. Reese

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., O'Rourke, J.

D045536 Reinforcing Post-Tensioning Services Inc., et al. v. Superior Court of San Diego County/Roel Construction Company, Inc.

The petition is denied.

D042573 People v. Martinez

The \$10,000 parole restitution fine imposed under section 1202.45 is stricken. The judgment is modified to stay imposition of sentence on count 11. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modifications and to forward a certified copy of the amended abstract to the Department of Corrections. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D045535 In re Owino on Habeas Corpus

The petition is denied without prejudice to filing a notice of appeal in superior court and an application for constructive notice of appeal.

D045610 In re McGuire on Habeas Corpus

The petition is denied.

D045823 Baustert v. Superior Court of San Diego County/People

The status conference scheduled for February 22, 2005 is stayed pending further order of this court. Real party is directed to file a response to the petition on or before February 10, 2005.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 3, 2005 (Continued)

D045537 Estrada v. Superior Court of San Diego County/People
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
FEBRUARY 4, 2005

D045701 In re Shaylene B.

The petition is denied.

D043718 Franklin & Franklin et al. v. Alberts et al.

Judgment affirmed. Franklin to pay the Albertses costs on appeal. Haller, Acting P.J.;
We Concur: McDonald, J., McIntyre, J.

D044958 In re Olivia W., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D045758 People v. Ferguson

The appeal filed on January 19, 2005 is dismissed.

D044213 County of San Diego v. Workers Compensation Appeals Board/Melzer

The WCAB's decision is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D043962 People v. Morrison

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Huffman, J.

D043192 People v. Hill

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

**D045582 Joy F. et al. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent as to Joy F. is deemed to be
abandoned. The case is dismissed.

D042648 In re the Marriage of Van Doorn

Order affirmed. Respondent to recover his costs of appeal. Benke, J.; We Concur: McConnell, P.J.,
Huffman, J.

D044458 People v. Le

The judgment is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., Aaron, J.

D043948 People v. Moustirats

The petition for rehearing is denied. It is ordered that the opinion filed January 12, 2005 is modified.
There is no change in judgment.

D044868 Ilko v. Ilko et al/Ilko

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue
immediately.

D045647 In re Lochtefeld on Habeas Corpus

The petition is denied.